

Staff Summary Report



Hearing Officer Hearing Date: May 15, 2007

Agenda Item Number: 9

SUBJECT: This is a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items located at the **ZOLNIERCZYK RESIDENCE** located at 2144 South Los Feliz Drive.

DOCUMENT NAME: 20070515dssa07

PLANNED DEVELOPMENT (0406)

SUPPORTING DOCS: Yes

COMMENTS: Hold a public hearing for a request by the City of Tempe – Neighborhood Enhancement Department to abate public nuisance items in violation of the Tempe City Code for the **ZOLNIERCZYK RESIDENCE (PL070180/ABT07014)** (Glenn Zolnierczyk, property owner) Complaint No. CE065780 located at 2144 South Los Feliz Drive in the R1-6, Single Family Residential District.

PREPARED BY: Steve Abrahamson, Senior Planner (480-350-8359)

FINAL REVIEW BY: Lisa Collins, Planning Director (480-350-8989)

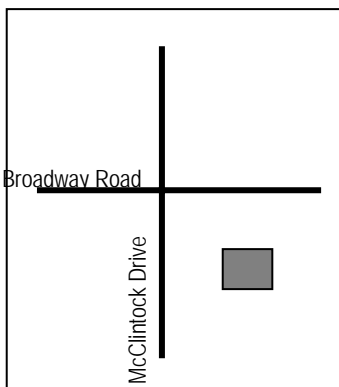
A handwritten signature in black ink, appearing to be 'LC' or similar, located to the right of the 'FINAL REVIEW BY' line.

LEGAL REVIEW BY: N/A

FISCAL NOTE: N/A

RECOMMENDATION: Staff – Approval

ADDITIONAL INFO: The Neighborhood Enhancement Division is requesting approval to authorize the abatement of the **ZOLNIERCZYK RESIDENCE** located at 2144 South Los Feliz Drive in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Staff recommends the authorization of abatement of this property.



ATTACHMENTS:

1. List of Attachments
 2. Comments; History & Facts/Description
-
- A. Location Map(s)
 - B. Aerial Photo(s)
 - C. Neighborhood Enhancement Report
 - D. Staff Photographs

COMMENTS:

The Neighborhood Enhancement Division is seeking approval of a request to authorize the abatement of the **ZOLNIERCZYK RESIDENCE** located at 2144 South Los Feliz Drive in the R1-6, Single Family Residential District. The details of this case represent several months of correspondence for compliance with the property owner. Refer to the attached memo and photos from Brett Barnes, Neighborhood Enhancement Inspector, for the history and facts on the enforcement of the property.

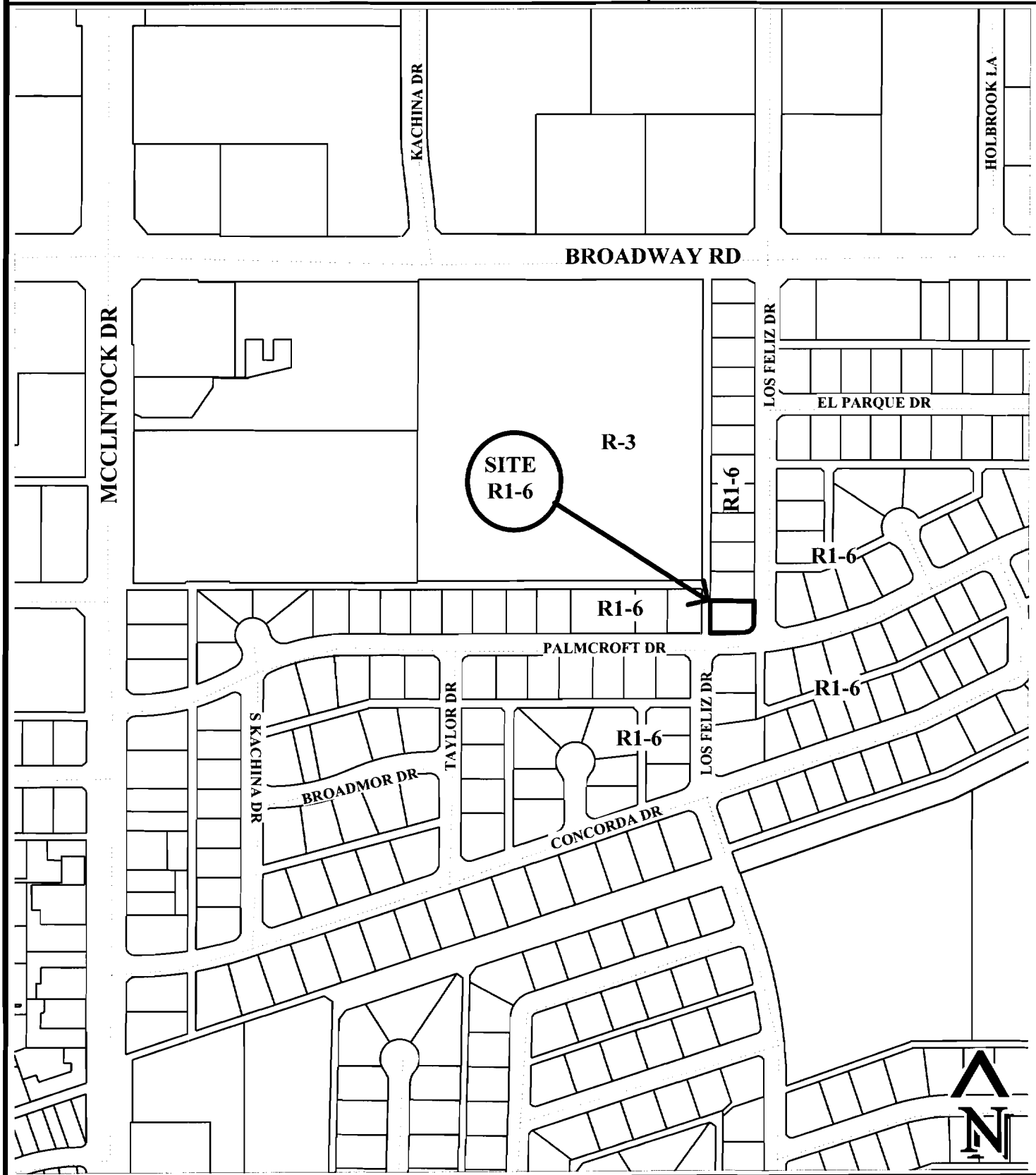
Staff recommends the authorization of abatement of this property.

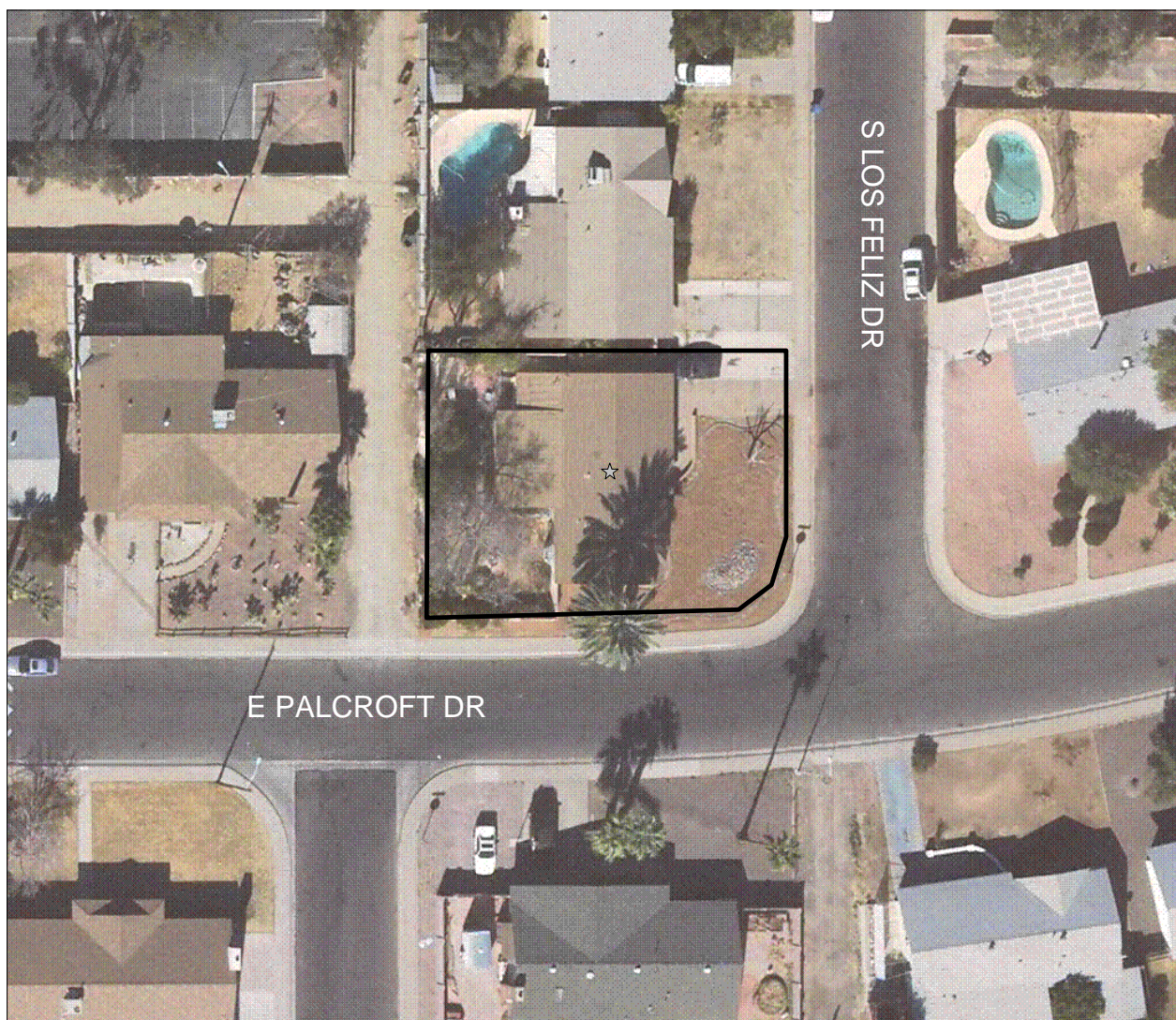
HISTORY & FACTS: See attached memo from the Neighborhood Enhancement Division.

July 1, 2000 Complaint pertaining to deteriorated landscape was abated.

February 21, 2001 Complaint pertaining to deteriorated landscape was abated.

DESCRIPTION: Owner – Glenn Zolnierczyk
Applicant – Brett Barnes, COT Neighborhood Enhancement
Existing zoning – R1-6, Single Family Residential District

ZOLNIERCZYK RESIDENCE**PL070180**



ZOLNIERCZYK RESIDENCE (PL070180/ABT07014))

DATE: April 16, 2007
TO: Mike Spencer, Neighborhood Enhancement Supervisor
FROM: Brett Barnes
SUBJECT: Request abatement of nuisance violations case CE065780

LOCATION: 2144 S. Los Feliz Dr. Tempe, AZ

LEGAL: Book 133, Map 51, Parcel 064, as recorded with the Maricopa County Assessor

OWNER/ Glenn Zolnierczyk

OCCUPANT: 2144 S. Los Feliz Dr. Tempe AZ 85282

FINDINGS:

10-26-06 A complaint was received regarding deteriorated landscape in the front and side yards at the property of 2144 S. Los Feliz Dr.

10-26-06 I inspected the property and found it to be in violation for having deteriorated landscape. Over height grass and weeds are growing in the dirt and rock landscape of the front and side yards. A courtesy notice was sent to the property owner Glenn Zolnierczyk asking him to completely remove the grass and weeds from the front and side yard landscape. The courtesy notice was sent out first class mail.

11-13-06 I reinspected the property and found the deteriorated landscape violation has not been corrected. A second courtesy notice to Glenn Zolnierczyk was mailed out by first class mail.

11-29-06 I reinspected the property and found the violation for deteriorated landscape has not been corrected. The grass and weeds have not been removed from the front and side yard landscape. I'm sending out a final courtesy notice to Glenn Zolnierczyk and posting the final notice to the property.

12-26-06 I reinspected the property and found the violation has not been corrected. Pictures were taken, and a civil citation was issued to Glenn Zolnierczyk for having deteriorated landscape.

01-10-07 The property owner has been working on putting down a liner to install gravel in the front yard landscape.

01-16-07 The property still looks the same, no progress has been made since the last inspection.

01-23-07 The property looks the same, no progress has been made to correct the violation. Pictures were taken, and a second civil citation was issued to Glenn Zolnierczyk for being in violation of deteriorated landscape.

02-13-07 The violation has not been corrected, pictures were taken and a third civil citation will be issued for deteriorated landscape.

02/14/07 A third civil citation to Glenn Zolnierczyk was issued for the violation of deteriorated landscape.

04/05/07 I received an estimate from Bishop Inc. for \$750.00 to remove and trim grass and weeds and remove junk and debris from the front and side yards. The estimate also includes the presence of an off duty officer during the abatement.

RECOMMENDATIONS:

I recommend an abatement of the nuisance violations be done at the property of 2144 S. Los Feliz Dr. Glenn Zolnierczyk failed to bring the property into compliance after being issued several courtesy notices and civil citations.

Respectfully submitted,

Brett Barnes
Code Inspector

ACTION TAKEN: _____

NAME _____

DATE: _____



City of Tempe
P. O. Box 5002
Tempe, AZ 85280
www.tempe.gov
(480) 350-8372
(480) 858-2231 (fax)

Code Compliance Division

NOTICE OF INTENT TO ABATE PUBLIC NUISANCE

DATE: April 16, 2007

TO: Glenn Zolnierczyk

This serves as notification of the City of Tempe's intentions regarding the abatement of code violations on the following described property:

LEGAL: Book 133, Map 51, Parcel 064, as recorded with the Maricopa County Assessor.

LOCATION: 2144 S. Los Feliz Dr. Tempe AZ 85282

This office will submit this complaint to the Neighborhood Enhancement Abatement Hearing Officer to be placed on the Hearing Officer agenda of May 15, 2007. We are requesting Hearing Officer Authorization to abate this public nuisance in accordance with Section 21-53 of the Tempe City Code by removal and repair of: Those items constituting a violation of TCC 21-3-b-8 which prohibits any landscaping, visible from public property, that is substantially dead, damaged or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs, or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

As owner of the property, you have thirty (30) days after receipt of this letter to abate or correct the violations. If the violations have not been corrected within thirty days, our office will proceed with the abatement process. Upon receipt of the Hearing Officer approval to abate this public nuisance, the necessary work will be performed at the expense of the property owner. The cost of this work will be \$750.00. In addition to the actual cost of abatement, an administrative charge of fifteen (15) percent of the actual cost of abatement or three hundred (\$300) dollars, whichever is greater, for expenses incurred by the city for abatement procedures, and the cost of recording liens and releases will be charged. The recorded lien may bear interest at the legal rate for judgments in the State of Arizona. Administrative charges and the cost of recording liens and releases shall become a lien on the property whether or not the public nuisance is abated by the City. If you have questions regarding this matter, please contact our office at (480) 350-8372.

Code Enforcement Officer: Brett Barnes

Phone Number 480-350-8658



**City of Tempe Code Compliance Division
FINAL NOTICE**

We need your help to keep our City clean

Notice was delivered to:

Date: 12/7/06

Name GLEN ZOLNIERCZYK
Address 2144 S. LOS FELIZ DR.
City State TEMPE AZ 85282

This is a courtesy notice to inform you that on 11/29/06 your property at 2144 S. Los Feliz Drive was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Section 21 of the Tempe City Code. If the property is brought into compliance with the code by **12/21/06** you will not be subject to citations or fines for the violation(s). A re-inspection will be conducted on or after the date indicated to verify compliance. If the violations have not been corrected by this date and additional reinspections are necessary, you may be assessed a \$75.00 reinspection fee.

21-3 (b) (8) : Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

Please take the following corrective action by 12/21/06

Required Correction(s):

- **PLEASE COMPLETELY REMOVE THE GRASS AND WEEDS FROM THE DIRT LANDSCAPE IN THE FRONT AND SIDE YARDS.**

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. **Failure to comply may result in civil citation, criminal charges or abatement of the violation.**



City of Tempe Code Compliance Division
SECOND NOTICE

We need your help to keep our City clean

Notice was delivered to:

Date: 11/13/06

Name GLEN ZOLNIERCZYK
Address 2144 S. LOS FELIZ DR.
City State TEMPE AZ 85282

This is a courtesy notice to inform you that on 11/13/06 your property at 2144 S. Los Feliz Drive was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Section 21 of the Tempe City Code. If the property is brought into compliance with the code by **11/28/06** you will not be subject to citations or fines for the violation(s). A re-inspection will be conducted on or after the date indicated to verify compliance. If the violations have not been corrected by this date and additional reinspections are necessary, you may be assessed a \$75.00 reinspection fee.

21-3 (b) (8) : Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

Please take the following corrective action by 11/28/06

Required Correction(s):

- **PLEASE COMPLETELY REMOVE THE GRASS AND WEEDS FROM THE DIRT LANDSCAPE IN THE FRONT AND SIDE YARDS.**

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. **Failure to comply may result in civil citation, criminal charges or abatement of the violation.**



City of Tempe Code Compliance Division
Courtesy Notice
We need your help to keep our City clean

Notice was delivered to:

Date: 10/26/06

Name GLEN ZOLNIERCZYK
Address 2144 S. LOS FELIZ DR.
City State TEMPE AZ 85282

This is a courtesy notice to inform you that on 10/25/06 your property at 2144 S. Los Feliz Drive was inspected and found to be in violation of the following subsection(s) of the Nuisance and Property Enhancement Ordinance, Section 21 of the Tempe City Code. If the property is brought into compliance with the code by 11/13/06 you will not be subject to citations or fines for the violation(s). A re-inspection will be conducted on or after the date indicated to verify compliance. If the violations have not been corrected by this date and additional reinspections are necessary, you may be assessed a \$75.00 reinspection fee.

21-3 (b) (8) : Any landscaping, visible from public property, that is substantially dead, damaged, or characterized by uncontrolled growth, or presents a deteriorated or slum-like appearance; uncultivated plants, weeds, tall grass, uncultivated shrubs or growth (whether growing or otherwise) higher than twelve (12) inches; or any dead trees, bushes, shrubs or portions thereof, including stumps; or any palm or similar type tree having dead or dry fronds descending downward from the base of the lowest living frond more than eight (8) feet or dry fronds longer than five (5) feet and closer than eight (8) feet to the ground.

Please take the following corrective action by 11/13/06

Required Correction(s):

- **PLEASE COMPLETELY REMOVE THE GRASS AND WEEDS FROM THE DIRT LANDSCAPE IN THE FRONT AND SIDE YARDS.**

We appreciate your cooperation in this matter. For questions or further information please contact the Code Enforcement Division at 480-350-8372. **Failure to comply may result in civil citation, criminal charges or abatement of the violation.**

